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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/918,404

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Lawrence A. Booth JR.

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05/20/2004

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EXAMINER

MACCHIAROLO, PETER J

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/918,404	Applicant(s) BOOTH ET AL.	
	Examiner Peter J Macchiarolo	Art Unit 2879	<i>AW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-5,11,12,14 and 15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-5,11,12,14 and 15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The reply filed on 04/23/2004 consists of changes to the specification, drawings, and to the claims, and further, the reply consists of remarks related to the prior rejection of claims in the previous Office Action. The above have been entered and considered. However, pending claims 1, 3-5, 11, 12, 14, and 15 are not allowable as explained below.

Drawings

2. The drawings are objected to because the sectional view in figure 2 must include different hatching marks to indicate different section portions of an object, and must be made by regularly spaced oblique parallel lines spaced sufficiently apart to enable the lines to be distinguished without difficulty. See MPEP § 608.02 and 37 CFR 1.84(h)(3).

3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 11, 12, 14, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

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5. In regards to claims 11, the claims recite a filler material in lines 4 and 7 of the claim.

Where a claim directed to a device can be read to include the same element twice, it is considered indefinite. *Ex parte Kristensen*, 10 USPQ2d 1701 (Bd. Pat. App. & Inter. 1989). It is not clear if the claim refers to an additional filler material composition, or the same filler material as previously claimed. The Examiner is interpreting the claim to recite the same filler material.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki et al (USPN 6641933; “Yamazaki”).

7. In regards to claim 1, Yamazaki shows in figure 7, an organic light emitting display comprising a plurality of modules (708,705,704,703,702), each including a front plate (702) and a back plate (708), an organic light emitting material (703) formed on one side of the front plate, the back plate secured over the one side of the front plate, a filler material (710) including a desiccant (709) mixed into the filler material.

8. The Examiner notes that the limitation in claim 1, “to seal the region between the front and back plates” is an intended use type limitation. A recitation of the intended use of the

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claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

9. Regarding claim 5, Yamazaki discloses the filler material (adhesive 710) includes epoxy.¹

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki.

11. Regarding claim 11, Yamazaki discloses an organic light emitting display comprising a front plate (702) having an organic light emitting material (703) deposited thereon; the organic light emitting material being covered with a back plate (708); the region between said front plate and said back plates being filled with a filler material (710) including a desiccant (709) mixed into said filler material; a plurality of light emitting device modules being combined to form an

¹ Yamazaki, col. 18, ll. 48-49; and col. 20, ll. 40-41.

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array; and the regions between adjacent modules being filled with the filler material including a desiccant mixed into said filler material.

12. Yamazaki is silent to Applicant's recited method.

13. However, Applicant's method of forming, covering, sealing, combining, and filling are extremely broad. Hence, the structure taught by Yamazaki meets Applicant's recited method step limitations.

14. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Yamazaki with the method of claim 11, since the method steps are obvious in light of the resultant structure.

15. Regarding claim 12, Yamazaki discloses the filler material (adhesive 710) includes epoxy.²

16. The Examiner notes while Yamazaki is silent to a method of manufacturing such a device, the step of mixing is very broad. Hence, the structure taught by Yamazaki meets Applicant's recited method step limitations.

17. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Yamazaki with the method of claim 12, since the method steps are obvious in light of the resultant structure.

18. Claims 3, 4, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki in view of previously cited Sakaguchi et al (USPN 5,990,615; "Sakaguchi").

² Yamazaki, col. 18, ll. 48-49; and col. 20, ll. 40-41.

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19. Regarding claims 3 and 4, Yamazaki is silent to the desiccant being silica or zeolite.

20. However, Sakaguchi teaches a dehydrating agent such as granular silica gel or zeolite may be used to absorb oxygen or moisture to increase the overall lifetime of an organic EL display device.³

21. Furthermore, it would have been obvious to one having ordinary skill in the art that the time the invention was made to substitute Yamazaki's desiccant for silica or zeolite, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Further, one would be motivated to such a modification for a variety of reasons, including material availability and manufacturing processes with sensitive requirements.

22. Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Sakaguchi's desiccant material for Yamazaki's to increase the overall lifetime of the organic EL display device.

23. Regarding claims 14 and 15, Yamazaki discloses the filler material includes a desiccant (709) mixed into an epoxy (710).

24. Yamazaki is silent to the desiccant being silica or zeolite.

25. However, Sakaguchi teaches a dehydrating agent such as granular silica gel or zeolite may be used to absorb oxygen or moisture to increase the overall lifetime of an organic EL display device.

26. The reason for combining is the same as in numbered paragraphs 21 and 22.

³ Sakaguchi, col. 3, ll. 27-29; and col. 1, ll. 39-59.

Response to Arguments

27. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.


31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



pjm



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